

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

IN RE STUBHUB REFUND LITIGATION

Case No. 20-md-02951-HSG (TSH)

DISCOVERY ORDER

Re: Dkt. No. 299

In ECF No. 307, the Court ordered StubHub to file an amended Exhibit 29 by August 23, 2024, and to submit the listed documents for the Court's *in camera* review. Having performed the *in camera* review, the Court now rules on StubHub's privilege claims as follows.

PRIV00216, PRIV00461, PRIV00469, PRIV00503, PRIV00972, PRIV01074, PRIV01305, PRIV01538, PRIV01573, PRIV01638, PRIV01643, PRIV01758, PRIV01793, PRIV01898, PRIV01937, PRIV01993, PRIV02049, PRIV02056, PRIV02141, PRIV02149, PRIV02168, PRIV02184, PRIV02205. These redactions are appropriate.

PRIV01560, PRIV01576, PRIV01730, PRIV01752. These withholdings are appropriate.

PRIV00484. The only sentence in this document that is privileged is the one that begins "We will continue . . ." under the heading Post Launch Update: Buyer Actions. StubHub is **ORDERED** to produce this document with that one sentence redacted. Overall, this email is a request by Jocelyn Hall for a subgroup of people to review a draft status report before it goes out to a larger group. Neither Hall nor any of the recipients is an attorney, so this is not a request for legal advice, except for the one sentence that may be redacted. It also does not convey any legal advice. StubHub's privilege log says that this email "reflect[s]" legal advice. That could be true, as it is common for business decisions to reflect legal advice. The provision of the legal advice is

1 privileged, but the resulting business decisions and status updates about those decisions are not
2 privileged.

3 PRIV00515. Nothing about this email is privileged. It is a status update on business
4 decisions that have been made. The Court **ORDERS** StubHub to produce this document.

5 PRIV00658. In Jocelyn Hall's 4:26 p.m. email, StubHub may redact the first bullet point
6 beneath Buyer Actions (beginning "B2C") and the fifth bullet point under the heading B2C Seller
7 Payments (beginning "Team will begin"). The remainder of that email is a draft status report that
8 does not seek or convey legal advice. The Court **ORDERS** StubHub to produce this document
9 with only those redactions. The Court's ruling is the same with respect to PRIV00659.

10 PRIV00660. In Jocelyn Hall's 7:01 p.m. email, StubHub may redact the second bullet
11 point under B2C Seller Payments (beginning "Jonathan and team"). The rest of that email is not
12 privileged. The Court **ORDERS** StubHub to produce this email with just that one redaction.

13 PRIV01244. Jocelyn Hall's 11:12 a.m. email is not privileged. The Court **ORDERS**
14 StubHub to produce this document without redaction.

15 PRIV01314. Jocelyn Hall's 7:54 p.m. email isn't privileged. That email contains a
16 recommendation, but the identified decision makers are not attorneys, so this is not a request for
17 legal advice. While the working team includes legal, legal advice is not conveyed in this email.
18 The remaining redactions are appropriate. The Court **ORDERS** StubHub to produce this
19 document in accordance with this order.

20 **IT IS SO ORDERED.**

21
22 Dated: October 23, 2024

23 
24 THOMAS S. HIXSON
25 United States Magistrate Judge
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